

Amendment No. 1 to HB1328

Haynes
Signature of Sponsor

AMEND Senate Bill No. 1324*

House Bill No. 1328

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 6, Part 1, is amended by adding the following new section:

8-6-113.

(a)

(1) Any newspaper that wishes to publish public and legal notices on or after July 1, 2014 may seek an opinion of the attorney general and reporter to determine if the newspaper is a newspaper of general circulation.

(2) Any newspaper seeking an opinion to determine if it qualifies as a newspaper of general circulation must be made in writing to a member of the general assembly. Only a member of the general assembly may request an opinion pursuant to this section and the attorney general is under no duty to render such an opinion from any other requestor.

(b)

(1) Upon receipt of a request properly made pursuant to this section, the attorney general shall have the duty to respond to the request within a reasonable period of time.

(2) The attorney general may:

(A) Require any newspaper about which an opinion request is made to furnish any information relevant to publication and distribution, including circulation data from an accepted audited circulation service

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employed by the applicant, or otherwise necessary to complete the review;

(B) Establish a reasonable fee to be assessed against the newspaper or newspapers about which the request is made to help defray the cost of processing, investigating , and verifying information supplied by the party seeking the opinion; and

(C) Post a listing on the office website of records, documents and other information that must be submitted with a request for an opinion to determine the status of a newspaper.

(c) A newspaper is presumed to be a newspaper of general circulation if:

(1) The attorney general and reporter has previously issued a letter stating that the publication qualifies as a newspaper of general circulation;

(2) A court of competent jurisdiction has determined the publication to be a newspaper of general circulation; or

(3) The publication has continuously published legal notices or public notices since July 1, 2013.

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it.